

**500 KAR 20:020. Kentucky Agency for Substance Abuse Policy (KY-ASAP) on-going funding for local boards and reporting requirements.**

RELATES TO: KRS 15A.340, 15A.342, 15A.344, 222.211, 248.723

STATUTORY AUTHORITY: KRS 15A.342(19)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.344 requires KY-ASAP to establish local advisory and coordination boards for tobacco addiction and alcohol and substance abuse prevention, cessation, and treatment. KRS 15A.342 requires the Office of Drug Control Policy and KY-ASAP to promulgate administrative regulations necessary to carry out KRS 15A.340 and 15A.344. This administrative regulation establishes procedures for local boards to receive ongoing funding and establishes reporting requirements for the boards.

Section 1. Definitions. (1) "Good standing" means having completed and provided both semiannual reports according to the requirements established in Section 4 of this administrative regulation.

(2) "Kentucky Agency for Substance Abuse Policy" or "KY-ASAP" means the agency established at KRS 15A.340(1) to (3).

(3) "Local board" means that entity described at KRS 15A.344(1).

(4) "Ongoing funds" means dollars distributed from KY-ASAP for the purpose of supporting the strategic plans of local boards.

Section 2. Ongoing Funding Application Process and Review. (1) To request ongoing funding, a local board shall:

(a) Complete an application by the deadline during each funding period through:

1. The Justice and Public Safety Cabinet's Electronic Grants Management System; or
2. Other application process as directed by KY-ASAP; and

(b) Be in good standing.

(2) Awards of ongoing funding shall be:

(a) Contingent on available funding; and

(b) Proportionate based upon the number of counties in a local board.

(3) Factors used to evaluate the requests for ongoing funding shall include:

(a) Compliance with the frequency of meetings established in the local board's bylaws;

(b) Compliance with applicable Kentucky Revised Statutes and Administrative Regulations;

(c) Relation of spending proposal to the mission of KY-ASAP;

(d) Relation of spending proposal to local board's strategic plan;

(e) Fiscal responsibility in handling funds from previous allocations of funds from KY-ASAP;

(f) Effectiveness of the local board in its community; and

(g) Performance of local board in using previously requested funds in the manner for which the funds were requested.

(4) If KY-ASAP approves the funding, they shall notify:

(a) The fiscal agent of the local board;

(b) The chair of the local board; and

(c) If applicable, the board coordinator.

(5) If funding is awarded, KY-ASAP and the fiscal agent of the local board shall execute a contract in compliance with KRS Chapter 45A, to the extent funds are available.

Section 3. Continuing Obligations of Local Boards. (1) A local board shall comply with the continuing requirements after start-up contained in the Local Board Workbook incorporated by reference in 500 KAR 20:010.

(2) A local board shall provide to KY-ASAP within ten days a revised copy of the document if it makes a revision in any of the following documents:

- (a) Mission/vision statement;
- (b) Existing strategy;
- (c) Organizational chart;
- (d) Decision making process;
- (e) Bylaws;
- (f) Conflict resolution policy;
- (g) Recruitment plan;
- (h) Needs and resource assessment; and
- (i) Strategic plan.

(3) A local board shall notify KY-ASAP within ten days in writing of changes in local board membership.

Section 4. Local Board Reports. (1) A local board shall report in writing semiannually to KY-ASAP on the following dates:

- (a) January 15; and
- (b) July 15.

(2) Each local board shall include the following information in the semiannual report required by KRS 15A.344(2):

- (a) Information regarding the effectiveness, efficiency, and efforts of the program, as required by KRS 15A.344(2);
- (b) Detail of expenditures made during the reporting period;
- (c) Detail of strategic plan implementation;
- (d) Recommendations for increased or decreased funding; as required by KRS 15A.344(2); and
- (e) Changes in local board membership.

(3) KY-ASAP shall provide a copy of each semiannual report to the KY-ASAP State Board.

(4) All notices and documents provided to KY-ASAP shall be provided to the Office of Drug Control Policy at 125 Holmes Street, Frankfort, Kentucky 40601.

(5) If a local board fails to submit the required reports to KY-ASAP:

(a) The Executive Director of the Office of Drug Control Policy shall notify the local board's fiscal agent and chair, by certified letter, of the noncompliance, stating the reasons therefore;

(b) The local board may, within forty-five (45) days of the date of notice, submit a plan of corrective action to the executive director;

(c) The executive director shall, within thirty (30) days of receipt of a plan of corrective action, respond, in writing; and

(d) If the executive director determines that the proposed plan fails to meet the requirements of this administrative regulation, the executive director shall:

1. Present to the KY-ASAP State Board at its next scheduled meeting, the finding of non-compliance and the reasons therefore, accompanied by documentation supporting the decision; and

2. Take action to abolish the local board.

(6) A local board found in noncompliance, and whose proposed corrective plan is rejected, shall return or reimburse KY-ASAP the amount of funds received during the period of noncompliance, in accordance with the contract executed between the fiscal agent of the local board and the Justice and Public Safety Cabinet, Office of Drug Control Policy, Kentucky Agency for Substance Abuse Policy.

(7) A local board aggrieved by a finding of noncompliance may appeal pursuant to KRS

Chapter 13B. (37 Ky.R. 1600; eff. 5-6-2011.)